

REMARKS

Reconsideration of this application is requested.

By the present amendment, Claims 1 and 10 have been amended to define the barrel of the syringe as one for containing medicine so that the type of syringe with which the claimed guard is to be used is more definite. Furthermore, method Claims 21 and 28 have been amended to more precisely define the portion of the needle guard that is deformed and with respect to the portion of the barrel of the syringe. It is respectfully believed that the present Claims 1 through 29 clearly define patentable subject matter over the cited art.

Turning to the rejection of claims and the Righi Patent No. 5,562,624, that patent discloses a non-reusable safety syringe comprising a syringe having a cylinder 1 with a conical front end 2 on which is fitted a needle holder 3, along with a needle 4 and needle cover cap 5. The syringe also includes a plunger 6 on a movable stem 7. The Righi device further includes a protective sleeve 12 which can slide longitudinally on the syringe cylinder 1 and a metal spring 15 interposed between the sleeve and cylinder. The sleeve further includes two external securing tongues 16 which hook to the head 10 of the cylinder 1. Depression of the plunger causes the tongues 16 to disconnect thereby extending the shield 12 over the needle 4.

The Examiner attempts to read the syringe cylinder 1 as the "body" of Claims 1 and 10. However, the body of these claims is defined as comprising a cavity for receiving the syringe; whereas, the syringe cylinder 1 of Righi does not and cannot receive a syringe therein but is in fact

the cylinder or barrel of the syringe. The only other component of Righi that conceivably could be called a body is the sleeve 12 into which the syringe 1, 3 is disposed, but then Righi does not have the “shield slidably attached to the body” as required by independent Claims 1 and 10 and consequently all Claims 1 through 20 clearly define over this patent.

Thus, although Righi does disclose as syringe comprising a needle, needle protector cap and barrel (items 4, 5 and 1 of Righi), and a shield (sleeve 12 of Righi), Righi does not disclose a body comprising a cavity for receiving the syringe therein as defined in these claims, nor a shield slidably attached to the body as defined in these claims. Clearly, Righi does not anticipate these claims, nor is the subject matter of these claims obvious in view of Righi because it would be inconceivable to dispose a syringe within Righi’s syringe in an attempt to try to meet some of the limitations of these claims.

Turning now to Claims 21 through 29, independent Claims 21 and 28 have been amended to more precisely define the portion of the body which is deformed and the portion of the barrel which is contacted thereby. The Examiner contends that the tabs 16 of Righi on the exterior of the sleeve 12 somehow are similar. These tabs merely couple with the head 10 of the syringe to lock the shield in an axial position with respect to the syringe cylinder 1 thereby exposing the needle 4 for an injection. They are neither internal portions of a body, nor are they deformed inwardly to contact an intermediate portion of a barrel of the syringe. The tabs 16 merely snap onto the cap 10 and are not internal nor are they deformed inwardly, nor do they contact an intermediate portion of the barrel. Thus, it is believed that Claims 21 through 29 clearly define patentable subject matter over Righi.

There just is no internal portion of the sleeve 12 that is deformed to prevent substantial lateral movement of the syringe barrel; and this would clearly be contrary to the teachings of Righi because the sleeve 12 has to be free to slide with respect to the cylinder 1.

In view of the foregoing, it is respectfully submitted that Claims 1 through 29 define patentable subject matter and a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge Counsel's Deposit Account No. 150665 for any additional fees that may be required and to credit any overpayments to said Deposit Account 150665.

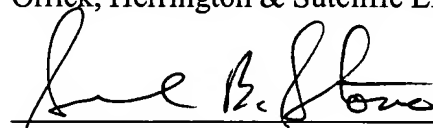
Dated: \_\_\_\_\_

6-27-03

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Respectfully submitted,  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (amended) A guard for a syringe comprising a needle, a needle protector cap, and a barrel for containing medicine, the guard comprising:

a body comprising a cavity for receiving the syringe therein, the body having an open proximal end communicating with the cavity, and a distal end having an opening through which the needle and needle protector cap on the syringe may extend when the syringe is received in the cavity;

a shield slidably attached to the body, the shield having proximal and distal ends, the distal end having an opening through which the needle and needle protector cap may extend when the shield is in an unguarded position, the shield being slidable between the unguarded position and a guarded position wherein the needle is covered by the shield;

one or more tabs in a wall of at least one of the body and the shield, the one or more tabs being deflectable from a first position wherein the tab extends along the wall or radially outwardly from the wall, to a second position wherein the tab is directed inwardly into the cavity for contacting the barrel of a syringe received in the cavity; and

one or more detents on the shield for locking the shield in the guarded position.

10. (Amended) An injection device comprising:

a syringe comprising a barrel for containing medicine, a needle extending from a distal end of the barrel, and a needle protector cap detachably covering the needle;

a radial element extending from the barrel;

a body comprising open proximal and distal ends, and a cavity extending between the proximal and distal ends for receiving the syringe therein, the cavity having a cross-section for receiving the needle protector cap therethrough as the syringe is inserted into the cavity, the radial element contacting an inside surface of the body for preventing substantial lateral movement of the syringe within the cavity, the needle and needle protector cap at least partially extending beyond the distal end of the body when the syringe is received in the cavity;

a shield slidably attached to the body, the shield having proximal and distal ends, the distal end of the shield having an opening through which the needle and the needle protector cap extend when the shield is in an unguarded position, the shield being slidable between the unguarded position and a guarded position wherein the needle is covered by the shield; and  
one or more detents on the shield for locking the shield in the guarded position.

21. (Amended) A method for assembling an injection device, comprising:

providing a body comprising open proximal and distal ends and a cavity extending therebetween;

inserting a syringe into the proximal end of the body until a needle and needle protector cap extending from a distal end of the syringe extends through the open proximal end of the body; and  
deforming [a] an integral portion of the body inwardly to contact [a] an intermediate portion of barrel of the syringe to prevent substantial lateral movement thereof within the cavity.

28. (Amended) A method for assembling an injection device, comprising:  
providing a needle guard comprising open proximal and distal ends and a cavity extending therebetween;

inserting a syringe into the proximal end of the needle guard until a needle and needle protector cap extending from a distal end of the syringe extends through the open proximal end of the needle guard; and

deforming [a] an internal portion of the needle guard inwardly to contact an intermediate portion of a barrel of the syringe to prevent substantial lateral movement thereof within the cavity.